

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 109
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

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AUTHORITY: Implementing and Authorized by the Energy Assistance Act [305 ILCS 20], Section 605-95 of the Civil Administrative Code of Illinois [20 ILCS 605/605-95], the Low-Income Home Energy Assistance Act of 1981 (42 USCA 8621) and Executive Order 2004-3.

SOURCE: Adopted and codified at 7 Ill. Reg. 2956, effective March 9, 1983; amended at 8 Ill. Reg. 8184, effective May 31, 1984; amended at 8 Ill. Reg. 16004, effective August 27, 1984; amended at 8 Ill. Reg. 20669, effective October 6, 1984; amended at 9 Ill. Reg. 10710, effective July 1, 1985; amended at 9 Ill. Reg. 18134, effective November 12, 1985; amended at 10 Ill. Reg. 8684, effective May 12, 1986; amended at 10 Ill. Reg. 21064, effective December 9, 1986; amended at 11 Ill. Reg. 682, effective December 18, 1986; recodified at 11 Ill. Reg. 4631; amended at 12 Ill. Reg. 757, effective December 23, 1987; amended at 12 Ill. Reg. 14639, effective September 6, 1988; amended at 12 Ill. Reg. 15530, effective September 19, 1988; amended at 13 Ill. Reg. 10827, effective June 27, 1989; amended at 13 Ill. Reg. 13568, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 17870, effective November 1, 1989, for a maximum of 150 days; emergency expired March 31, 1990; amended at 14 Ill. Reg. 13440, effective August 8, 1990; amended at 15 Ill. Reg. 3437, effective February 25, 1991; emergency amendment at 15 Ill. Reg. 14604, effective September 30, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3940, effective February 26, 1992; emergency amendment at 16 Ill. Reg. 17136, effective October 26, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 3836, effective March 5, 1993; amended at 27 Ill. Reg. 2123, effective January 24, 2003; emergency amendment at 27 Ill. Reg. 14838, effective September 2, 2003, for a maximum of 150 days; emergency expired January 29, 2004; recodified from the Department of Commerce and Economic Opportunity to the Department of Public Aid at 29 Ill. Reg. February 3, 2005.

Section 109.10 Legislative Base

a) Federal

- 1) On July 31, 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) which established seven block grant programs. These block grants replaced a large number of programs previously administered by the federal government. The Omnibus Budget Reconciliation Act of 1981 also transferred primary responsibility for the administration of the block grant programs to the states and conferred substantial discretion on the states as to the use of block grant funds.
- 2) Title XXVI of the Omnibus Budget Reconciliation Act of 1981 established the Low-Income Home Energy Assistance Act of 1981 and replaced the Home Energy Assistance Act of 1980.
- 3) The Low-Income Home Energy Assistance Act of 1981 authorized the Low Income Home Energy Assistance Block Grant. States were eligible to receive funds under the Low Income Home Energy Assistance Block Grant on October 1, 1981.
- 4) On November 3, 1990, the Low-Income Home Energy Assistance Act of 1981 was amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501).

b) State

On August 2, 1989, the Governor signed the Energy Assistance Act of 1989. The Governor has officially designated the Department of Commerce and Community Affairs as the official administering agency for the Energy Assistance Act, which includes the Low Income Home Energy Assistance Block Grant. On December 15, 1981, the Department of Commerce and Community Affairs submitted the application document to the U.S. Department of Health and Human Services. As part of the application, the State certified that it agreed to use funds available under the Low Income Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy. On July 24, 1991, the Governor signed an amendment to the Energy Assistance Act [305 ILCS 20], as amended by P.A. 87-14, effective July 24, 1991. This amendment established the Low Income Home Energy Assistance Program (LIHEAP). On December 16, 1997, the Governor signed an amendment to the Energy Assistance Act, as amended by P.A. 86-127, Section 13, added by P.A. 90-561, Art. 7, Section 85, effective December 16, 1997. This amendment established the Supplemental Low-Income Energy Assistance Fund. On January 10, 2001, the

Governor signed an amendment to the Energy Assistance Act, as amended by P.A. 86-127, Section 85, added by P.A. 91-936, effective January 10, 2001. This amendment provides the Department with the flexibility to establish annual eligibility levels up to a maximum of 150% of OMB Poverty guidelines. On April 1, 2004, responsibility for the administration of the Act was transferred to the Department of Public Aid.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.20

Purpose and Scope

- a) The LIHEAP has been established to carry out the provisions of the Energy Assistance Act. The State will use the funds available under the Low Income Home Energy Assistance Block Grant to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:
 - 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
 - 2) payments to a home energy provider on behalf of the eligible household or direct to the household if its winter energy services are provided by a non-participating home energy provider;
 - 3) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
 - 4) emergency services to an eligible household in an energy-related life-or-health threatening situation.
- b) This Part specifies program guidelines whereby the Department will provide comprehensive energy and weatherization assistance to low-income citizens.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.30 Definitions

"Act": The Energy Assistance Act [305 ILCS 20].

"Customer of record": Any person who is receiving home energy services from a home energy provider and has agreed to pay for those services or did receive home energy services during the program year from a home energy provider and has not changed the home energy provider for that type of home energy service.

"Department": The Illinois Department of Public Aid.

"Disabled Person": A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A].

"DOE": United States Department of Energy.

"Dwelling Unit": A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate, independent living quarters

"Elderly Person": A person who is 60 years of age or older.

"Energy Crisis Intervention": Weather-related and supply shortage emergencies.

"Good Faith Effort": The household making payment to the household's energy vendors of 10% of the household's income for the past 90 days or 20% of the total amount owed for both primary and secondary utilities, whichever method is more beneficial to the household, but in no case less than \$75.

"Grant Agreement": The contractual agreement between the Department and Local Administering Agency, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"HHS": United States Department of Health and Human Services.

"Home Energy": A fuel used for space heating, space cooling, water heating, cooking or in electrical appliances in residential dwellings.

"Home Energy Provider": Any utility, municipal utility, cooperative utility, sole proprietorship, partnership, joint venture, corporation, company or other established business which provides primary and/or secondary energy, including fuel, to residential dwellings and has elected to participate in the LIHEAP. The

primary energy provider is a home energy provider that provides the primary source of energy; and the secondary energy provider is a home energy provider that provides the secondary source of energy.

"Household": All individuals who occupy a dwelling unit.

"Household Income": Gross income received by all members of the household who are residing in the household at the time of application. Under the Energy Assistance Act, household income will be calculated for the past 30 days. Households applying for Weatherization Assistance who have not been approved to receive energy assistance under the Low-Income Home Energy Assistance Act of 1981, will have their income calculated for the past 12 months, in accordance with 10 CFR 440 (1995). Income does not include the following:

Payments for vocational rehabilitation transportation and maintenance;

Reimbursement for medical expenses;

Payments made to others on the household's behalf provided that such payments were not directed by the household (i.e., bills paid or purchases made by others);

Loans (including student loans);

Scholarships, subsistence amounts or student grants;

Assets drawn down as withdrawals from a bank;

Sale of property;

Sale of house or car;

Tax refunds;

Gifts;

One-time insurance payments or compensation for injury;

Non-cash income;

One-time payments (e.g., death-related benefits, Circuit Breaker Benefits);

Foster-grandparents and Senior Companions stipends;

Foster-parent reimbursement;

Food Stamps;

Workforce Investment Act of 1998 benefits;

Allowances, earnings and payments to individuals participating in programs under the Act; and

Earned income of dependent minors (children under 18).

"IHWAP": The Illinois Home Weatherization Assistance Program, referring to all components of the weatherization program that are designed to help low-income Illinois residents save fuel and money while increasing the comfort of their homes.

"Kitchen Facilities": An area used to store and prepare food.

"Landlord": A person that receives payment for the rental of his/her dwelling unit.

"Local Administering Agency (LAA)": A community action agency or other community-based organization or unit of general purpose local government or public agency which is authorized, in accordance with Section 109.40, to administer LIHEAP funds received from the Department.

"Low-Income Home Energy Assistance Act of 1981": Established by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), Title XXVI – Low Income Home Energy Assistance) and amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501).

"Multi-Unit Building": A structure containing two or more dwelling units.

"Owner Occupied Building": A building in which the owner is a permanent resident in the building.

"Primary Energy Source": The energy or fuel type which is the heat source for the central heating system of the residence, or if the residence is not centrally heated, the energy or fuel type which constitutes the principal source of space heating.

"Program Year": The period in time starting September 1 and ending May 31 in the following year.

"Public Utility": An entity that is defined as a public utility under Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105] and is subject to regulation by the Illinois Commerce Commission (ICC).

"Rental Unit": A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secondary Energy Source": Energy or fuel used for other than the primary source of heat. In order to receive a secondary direct vendor payment, the secondary energy source must be an integral part of the heating system or heat-related. An example of this would be the heat-related electricity that is used to operate the controls and distribution (fan) system of a furnace.

"Separate Independent Living Quarters": Living quarters in which the household members do not live and eat with any other persons in the structure and that have:

either direct access from the outside of the building or through a common hall; and

complete kitchen facilities for the exclusive use of the occupants.

"Single-Family Dwelling Unit": A structure containing no more than one dwelling unit.

"State": The State of Illinois.

"Subgrantee": A Local Administering Agency managing an energy assistance or weatherization project that receives a grant of funds awarded under this Part from the State.

"Unit of General Purpose Local Government": Any city, county, town, village or township.

"Weatherization Materials":

Caulking and weatherstripping of doors and windows;

Furnace efficiency modifications, including, but not limited to:

replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;

devices for minimizing energy loss through heating systems, chimney or venting devices;

products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and duct work); and

electrical or mechanical furnace ignition systems which replace standing gas pilot lights;

Clock thermostats;

Ceiling, attic, wall, floor, and duct insulation;

Water heater insulation;

Storm windows, multi-glazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

Items to improve attic ventilation;

Vapor barriers;

Materials used as a patch to reduce infiltration through the building envelope;

Water flow controllers;

Movable insulation systems for windows;

Material to construct vestibules;

Pipe and boiler insulation;

Heat exchangers;

Thermostat control systems;

Replacement windows and doors;

Materials used for water heater modifications which will result in improved energy efficiency;

Hot water heat pumps;

Waste heat recovery devices;

Materials used for heating and cooling systems tune-ups, repairs, and modifications which will result in improved energy efficiency; and

Materials used for boiler tune-ups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project": A project conducted in a designated geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

"Winter": The period from November 1 of any year through April 30 of the following year (Section (3)(d) of the Act).

"Winter Energy Services": Home energy provided during the six-month period of November through April of the following year.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.40 Local Administering Agency Designation

- a) The following local entities are eligible to apply for designation as LAAs under the LIHEAP:
 - 1) Any organization which was officially designated as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964, as amended.
 - 2) Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering an Energy Assistance or Weatherization Program according to the guidelines established by the Department in accordance with this Section.
 - 3) A unit or combination of units of general purpose local governments of the State.
- b) In designating LAAs, the Department will comply with those rules and regulations set forth in 45 CFR 96 (October 1, 1990 edition) and 10 CFR 440.15 (January 1, 1991 edition) which provide the federal standards governing LAA selection for the Energy Assistance Program (the HHS and the U.S. Department of Energy (DOE) weatherization assistance program). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE funded component of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part.
- c) When designating LAAs to carry out LIHEAP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of Section 2605 (a)(2)(b)(6) of Title VII of the Low-Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.50 Local Administering Agency Application for Funding

- a) To be eligible for financial assistance, a local agency must be designated by the Department to operate the Energy Assistance or Weatherization Program contained in this Part.
 - 1) Where a local agency has been designated by the Department, in accordance with Section 109.40, to operate the Energy Assistance or Weatherization Program for a county or counties, only that designated local agency may apply for financial assistance.
 - 2) Where no local agency has been designated by the Department to operate these programs, that agency which is successful in its request for proposal bid to operate the aforementioned programs shall be awarded financial assistance under this Part. The proposal will be evaluated in accordance with 10 CFR 440.15(a)(1989) and Subparts A, B, C, D ,E, F and H of 45 CFR 96 (1988).
- b) Applicants will be required to meet program and fiscal requirements prior to the submittal of an application for funding. Applications will not be processed nor grants awarded prior to the Department's review of the applicant's performance in the following four areas.
 - 1) an effective outreach referral program (evidenced by services to clients in accordance with their incidence in the census-based client population of the service area);
 - 2) a continuing planning process and capability (evidenced by demonstrated applicant staff capability to complete federal and/or state grant applications and reporting documents containing qualitative and quantitative objectives);
 - 3) an accounting system in accordance with generally accepted accounting principles of the publication AICPA Professional Standards, American Institute of Certified Public Accountants (AICPA)(1989), 1211 Avenue of the Americas, New York, NY 10036-8775; and
 - 4) an effective citizen participation/community involvement program.
- c) In preparing the application for funding assistance for programs contained in this Part, applicants will be required to submit the following items:

- 1) Application for Assistance: The Department will require the submittal of a form provided by the Department which requires the basic information needed for grant award documentation and for the Department's review purposes.
- 2) Annual Work Program: The work program will narrate the activities as required by the Department to be undertaken utilizing the grant funds. The work program must include at a minimum such items as provisions for staff, coordination with other delivery agencies and a description of how the agency intends to deliver its basic services.
- 3) Annual Budget: The applicant shall submit a grant budget by cost categories, on the budget summary form and detail sheets provided by the Department.
- 4) Statement of Coordination: The grant applicant will be required to outline its program of coordination with other agencies and programs. The statement shall include coordination mechanisms established by the applicant and cite interagency agreements or contractual arrangements used in support of coordinated service delivery.
- 5) Assurances and Certifications: In a form and manner provided by the Department, the applicant will be required to certify its compliance with all applicable state and federal laws and regulations as detailed in this Part dealing with the receipt and expenditure of grant monies, as provided on the grant application.
- 6) Additional Grant Application Submittals: These include:
 - A) Name, address, telephone number of the agency responsible for administering the projects as well as signatures designating responsibility for the grants;
 - B) The "Notice of Grant Award" and grantee acceptance;
 - C) The "Method of Compensation, Fiscal Recording/Reporting Requirements";
 - D) The "Terms and Conditions Governing the Grant";
 - E) The "Scope of Work" which insures programmatic controls, such as training, staffing, outreach, and reporting; and

- F) Any information which the Department deems necessary to clarify or document information provided in the application.
- d) The Department will use the following standards to select grantees for special demonstration projects. The weight to be given to each standard will be dependent on the nature of the project, keeping in mind the Department's goal of equally representing all areas of the State.
 - 1) The Department will consider the applicant's experience in the particular type of weatherization project to be implemented.
 - 2) The Department will consider the qualifications of the applicant's personnel as related to the particular type of weatherization project to be implemented.
 - 3) The Department will evaluate the methodology proposed by the applicant for completion of the project under consideration.
 - 4) The Department will evaluate the ability of the applicant to complete the project under consideration as evidenced by factors specified in subsections (d)(1), (2), (3), (5) and (6).
 - 5) The Department will evaluate the applicant's timetable for completion of the project both in terms of other applicants and whether or not the timetable appears to consist of a realistic statement of goals.
 - 6) The Department will evaluate the applicant's budget both in comparison to other applicants and to determine whether or not the proposal is a realistic assessment of the costs of the project.

(Source: Former Section 100.45 recodified to Section 100.120 at 11 Ill.Reg. 4631, new Section adopted at 14 Ill. Reg. 13440, effective August 8, 1990)

Section 109.60 Grant Termination

If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the "best interests" of the program will depend on the agency's success in complying with the grant agreement.

- a) Any LAA, either established (i.e., local designation and state recognition) under the LIHEAP and/or IHWAP in accordance with the Low-Income Home Energy Assistance Act of 1981 will be awarded continuing program administering responsibilities in its established jurisdiction unless the following shall occur:
 - 1) written communication to the Department stating its desire to discontinue operation of the program;
 - 2) material failure by the LAA to comply with the Low-Income Home Energy Assistance Act of 1981, 10 CFR 440, 45 CFR 96, the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and 89 Ill. Adm. Code 109. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant-related transactions.
- b) Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:
 - 1) The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:
 - A) a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program-related expenditures which are reimbursable under Sections 109.70 and 109.420 of this Part) and which comply with

the objectives and program activities specified in accordance with Subparts A and B of this Part; or

- B) in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.
- 2) The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules, will be obtained by the Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 [215 ILCS 415]. Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.
- c) The hearing shall be conducted in accordance with 89 Ill. Adm. Code 104. The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.
 - d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this Section. The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.70 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follows are applicable.

- a) Budget Modification
The LAA cannot be reimbursed for costs that exceed the total program or administrative cost category amounts.
 - 1) The LAA must, in writing, request of the Department a budget modification if expenditures exceed the approved budget.
 - 2) If the LAA wishes to make modifications to the Grant Agreement, the LAA must
 - A) Submit a formal standardized written modification request to the Department prior to expenditure of funds in a manner other than the approved budget; or
 - B) Exercise provisions contained in the "Program Specific Provisions" Section of the Grant Agreement.
 - 3) The Department will approve modification requests if they are necessary to achieve program objectives; required by increases or decreases in program funding; or result in greater program cost efficiencies. If the Department approves the modification request, the LAA will be notified in writing of the change and effective date. If the Department rejects the modification, the Department will notify the LAA in writing of the reasons for denial.
- b) Reporting – An expenditure summary and payment request shall be submitted to the Department on or before the tenth calendar day of each month after the first month of the program year, using the format provided by the Department.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.80 Nondiscrimination

a) Equal Employment Opportunity

- 1) In carrying out the program, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, natural origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other form of compensation; and selection for training, including apprenticeship. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Grantee shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. The Grantee shall incorporate the foregoing requirements of this subsection (a) in all of its contracts for program work.
- 2) The Grantee shall cause or require to be inserted in full in any contract and subcontract for work, or modification thereof, all applicable federal and state Equal Employment Opportunity provisions.

- b) Discrimination – The Grantee shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure quality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 of the Rehabilitation Act of 1973 (29 USC 794); the Age Discrimination Act of 1975 (42 USC 6106-6107); and Title VI of the Civil Rights Act of 1964 (42 USC 2000d-2000d-7) (24 CFR 1.4 (1987)).

(Source: Amended at 12 Ill. Reg. 757, effective December 23, 1987)

Section 109.90 Dispute Procedures

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 109.250(d)), or if the applicant disputes the amount or type of assistance granted. LAAs shall inform each applicant of their right to the appeals process. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

a) The Informal Conference

- 1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 109.250.
- 2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a notice of a decision on the applicant's application.
- 3) Any applicant who has submitted a completed application but has not been notified of the application status within thirty (30) days of the date of a complete application, has a right to request an informal conference within sixty (60) days of the date the application was complete.
- 4) Any applicant requesting an informal conference shall be furnished the reason for the decision on the application and be allowed to review the documents leading to the decision prior to the informal conference.
- 5) The informal conference must:
 - A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;
 - B) be conducted by a LAA staff member who was not involved in the original decision (the LIHEAP coordinator may also attend);
 - C) be held within fifteen (15) calendar days of the receipt of request;
 - D) afford the applicant an opportunity to bring an interpreter and/or representative; and

- E) allow the applicant to present oral and written testimony on his/her behalf.
 - 6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.
 - 7) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.
- b) State Review

A request for state review must be filed with the Department within thirty (30) days after the informal conference. If the request is timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section 109.250(d) and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and determine if the informal conference decision regarding eligibility was correct (see Section 109.250 for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of finding in support of an applicant, the LAA shall approve and process the application or modify the assistance granted, and notify the applicant and the home energy provider(s) in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the

home energy provider(s) within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

c) The Formal Hearing

If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100/10-25]. The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

- 1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.
- 2) The applicant will be afforded an opportunity to review his/her file.
- 3) The hearing will be tape-recorded.
- 4) The decision will be based on the record, which will comply with Section 10-35 of the Illinois Administrative Procedure Act and which will be made pursuant to the procedures set forth in Section 10-45 of the Illinois Administrative Procedure Act. The hearing officer will determine if the household is eligible in accordance with Section 109.250.
- 5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).
- 6) The applicant will have the right to:
 - A) be accompanied and/or represented by another;

- B) present written and oral statements and other evidence in accordance with Section 10-40 of the Illinois Administrative Procedure Act;
 - C) bring an interpreter; and
 - D) present and question witnesses.
- 7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 10-50 of the Illinois Administrative Procedure Act.
- 8) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of notification of the finding, process the application or modify the assistance granted and notify the applicant and the home energy provider(s) in writing of the applicant's eligibility. In the case of an emergency application, the LAA will process the application and notify the applicant and the home energy provider(s) within forty-eight (48) hours.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 109.100 Complaint Process

The Department will follow the procedures outlined in 89 Ill. Adm. 104 complaints filed by LAA's or other recipients. Procedures specified in Section 109.90 of this Part will be followed for complaints by applicants for energy assistance.

(Source: Amended at 13 Ill. Reg. 10827, effective June 27, 1989)

Section 109.110 Incorporation by Reference

Any incorporation by reference in this Part of the rules and regulations of any agency of the United States or of standards of a nationally recognized organization or association includes no new amendments or additions made after the date specified.

(Source: Added at 9 Ill. Reg. 10710, effective July 1, 1985)

SUBPART B: ENERGY ASSISTANCE

Section 109.200 Energy Assistance Program

- a) **Implementation**
This Part institutes the energy assistance program mandated by the Energy Assistance Act. This assistance program shall be known as the "Low Income Home Energy Assistance Program" (LIHEAP).
- b) **Impacting Authorities**
The following authorities, among others, affect the implementation or operation of LIHEAP:
 - 1) The Low-Income Home Energy Assistance Act of 1981, which affects eligibility requirements and the use of Low Income Home Energy Assistance Block Grant funds used in LIHEAP.
 - 2) The Public Utilities Act and the rules applicable to that Act (83 Ill. Adm. Code 280).
 - 3) The Energy Assistance Act.
- c) **Eligibility**
Any individual who is a resident of the State of Illinois and whose household income is not greater than 150% of the federal non-farm poverty level as established by the federal Office of Management and Budget (OMB) (or their successor in responsibility) is eligible to apply for benefits under LIHEAP. In establishing the eligibility level, the Department shall consider factors including, but not limited to, economic conditions, State and federal funding levels, and energy costs.
- d) **Application Initiation**
Individuals may apply for assistance under LIHEAP at the LAA office serving the area in which the applicant's dwelling unit is located. A current list of LAA offices may be obtained by calling or writing any office of the Department.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.210 Allocation of Block Grant Funds

- a) The Department shall allocate financial assistance for each county from sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
- b) The Department shall determine allocations for each county from available funds.
 - 1) At least 50% of the funds available shall be allocated to each county based on the "Index of Need".
 - A) The Index of Need is comprised of five factors, which are:
 - i) Heating Degree Days;
 - ii) Fuel Cost Factor Per 100,000 BTUs;
 - iii) Persons in Poverty (an amount determined by the Department by equally weighing available funding, energy costs, and economic conditions, but shall not exceed 150% of the OMB Poverty Income Guidelines);
 - iv) Elderly in Poverty (an amount determined by the Department by equally weighing available funding, energy costs, and economic conditions, but shall not exceed 150% of OMB Poverty Income Guidelines); and
 - v) Disabled persons.
 - B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:
 - i) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);
 - ii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State fuel cost factor per 100,000 BTUs (5%);

- iii) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75%);
 - iv) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly in poverty (10%); and
 - v) number of disabled persons per county divided by total number of disabled persons for State = Disabled (5%).
 - C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.
- 2) The remaining funds shall be held by the State for meeting those program contingencies which cannot be reasonably anticipated, (e.g., an unusually high need for energy assistance in any given county) and to meet the local agencies' administrative and/or outreach needs.
- c) The Department shall increase or reduce the allocation for a county for any of the following reasons:
- 1) Changes in federal or state fund availability
 - 2) Changes in sums available for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
 - 3) The Department determines that the level of applications, which are eligible under Section 109.250, differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.
- d) The Department shall make available one-third of the allocation for any county for the provision of assistance described in Section 109.220(a)(1) or (2) to eligible applicant households who are recipients of Temporary Assistance to Needy Families (TANF); General Assistance (GA); Aid to Aged, Blind, and Disabled (AABD); or who have incomes equal to or less than 40% of the OMB Poverty Guidelines.
- e) The Department shall notify the designated LAAs of the county allocations for which that agency is eligible to apply. Where no agency has been designated, the

county allocations will be included in a request for proposal which shall be publicly advertised in the State newspaper and in at least one local newspaper within the area to be served.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.220 Assistance Available

a) Assistance Options

All applicants eligible for assistance under LIHEAP as described in Section 109.280 are eligible to receive assistance under the following options:

1) Option 1

- A) If the applicant: is not a customer of record of a home energy provider for winter energy services; and is not an applicant for winter energy services from a home energy provider; and has housing rental expenses greater than 30% of his/her household income.
- B) Then the applicant shall receive one direct cash payment in an amount determined annually by the Department. Subject to applicable requirements of this Part, the applicant must provide verification of rental expenses, and attest that he/she is not a customer or applicant for winter energy services from a home energy provider,
- C) The Department will apply an equal weight to each of the major items considered in setting the amount.

2) Option 2

- A) If the applicant or member of the applicant's household: is the customer of record of a home energy provider for winter energy services; or has a household member who is an applicant for winter energy services from a home energy provider,
- B) Then a one-time direct vendor payment will be made to the home energy providers per program year on behalf of the applicant in the amount prescribed by the Department. The amount will be established annually after consultation with the Policy Advisory Council and will be based on factors including, but not limited to, available funding, energy costs, and economic conditions. The Department will apply an equal weight to each of the major items considered in setting the amount.

3) Option 3 (Emergency Assistance):

- A) If the applicant: is a customer of record of a home energy provider for winter energy services and was receiving home energy provider services but is now disconnected, then:
 - i) The applicant shall receive emergency assistance consisting of an amount up to the minimum amount needed to reconnect and/or establish service to the applicant, but in no case shall such assistance exceed the amount determined annually by the Department, in consultation with the Policy Advisory Council, on the basis of available funding and energy costs. Equal weight shall be given to each of the items considered in setting the amount.
 - ii) The applicant is subject to the emergency assistance program requirements (as provided in subsection (b)(2)).
 - B) If the applicant is a customer of record and homeowner, the applicant may receive benefits designed to restore heat in the event of an inoperable heating system.
- b) Explanation of Benefits
- 1) Energy Assistance
 - A) Assistance under Option 1 will be limited to a one-time cash payment that will be sent directly to the applicant.
 - B) Assistance under Option 2 will be limited to a one-time payment that will be sent to the energy providers if the providers sign a vendor agreement with the Department in which they agree to comply with the terms and conditions of the LIHEAP or to a qualified heating contractor for repairs or replacement to the heating system.
 - 2) Emergency Assistance Program Requirements
 - A) Assistance under Option 3 will be limited to the provision of energy assistance funds designed to help applicants obtain a continuous supply of heat or home energy and expedited processing. Emergency Assistance will be provided only after an applicant has actually been disconnected. Emergency Service assistance will be provided within 48 hours from the date the client

application is complete (all client documentation has been submitted); 18 hours if the energy crisis is life threatening.

- B) An emergency payment will not be made on behalf of an applicant unless the household makes a good-faith effort at maintaining service at the time of reconnection. A good-faith effort is defined in Section 109.30. Prior heating assistance payments received by the home energy provider will not be counted as a contribution for the good-faith effort. An applicant who has failed to make a good-faith effort will be required to provide an amount specified in the operations manual toward the amount needed for reconnection at the time of reconnection. The good faith rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.
- C) The amount of emergency assistance will be an amount up to the minimum amount needed to re-establish the applicant or restore the heating system to an operable condition. In no case will the amount of emergency energy assistance exceed the total amount owed by the applicant. The applicant may only receive assistance under Option 3 one time for the primary home energy provider and/or one time for the secondary home energy provider during the program year.
- D) In order to carry out this option, the Department will utilize delegate agencies and/or LAAs to provide assistance.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.230 Applicant Assistance

- a) Application and Enrollment
 - 1) Applications for assistance shall be submitted to and processed on a full-time basis by LAAs during months specified by the Department. The dates will be set annually by the Department after consultation with the Policy Advisory Council and will be based on factors including, but not limited to, available funding, energy costs, weather and economic conditions. The Department will apply equal weight to each of the major items considered. Applicants that are elderly or disabled, and/or applicants that have been disconnected from their primary and/or secondary home energy provider, will have a priority application period designated specifically for them.
 - 2) The LAAs shall either approve or disapprove a completed application within 30 days after its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the applicant's home energy provider electronically or in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing, at the time of its receipt of the application, of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days after the date of the notification letter. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the LAA may disapprove the application. If the LAA disapproves an application, it shall, within 30 days after receipt of the completed application, notify the applicant in writing of the disapproval and reasons for disapproval. The notification must also apprise the applicant of the dispute resolution procedures set forth in Section 109.90.
 - 3) When the home energy provider receives written or electronic notice of a customer of record's eligibility for assistance (as described in Section 109.220), the home energy provider shall place the customer of record on the option within 30 days. During that period, the home energy provider shall not disconnect the applicant for nonpayment. If an applicant's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 280.130(f).
 - 4) A home energy provider may refuse to accept the notice of eligibility referred to above if it pertains to a person in the household who is not the

customer of record or if it contains an incorrect account number. If the home energy provider does not accept the notice of an applicant's eligibility, the home energy provider must notify the applicant, the Department, and the LAA in writing within 14 days after the provider's receipt of the notice that the applicant's enrollment was rejected, the reason for the rejection and what the applicant must do prior to the home energy provider accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures set forth in Section 109.90. The home energy provider's notice must give the applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy provider shall not disconnect a customer of record for non-payment.

- 5) Each home energy provider shall inform all residential customers of record of the availability of the program provided for in this Part.
- 6) All written notices of discontinuance issued to residential customers of record pursuant to 83 Ill. Adm. Code 280 or the company's normal credit collection practices shall include information regarding the availability of the program provided for in this Part.

b) Payment Process

- 1) Eligible applicants pursuant to Option 1 (as described in Section 109.220(a)) will receive a direct cash payment for energy assistance in accordance with Section 109.Appendix A. This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA.
- 2) Eligible applicants pursuant to Option 2 (as described in Section 109.220(a)(2)) will receive assistance, provided on their behalf to the applicant household's home energy providers in an amount detailed in Section 109.Appendix A. This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA. The applicant's account shall be posted/credited with the payment within 30 days after the home energy provider's receipt of the payment. If the energy providers fail to sign a Vendor Agreement, then a two-party check will be sent to the applicant.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.240 Summer Energy Assistance

- a) A LIHEAP Summer Energy Assistance Program may be operated by the Department only if unused heating assistance funds are available. This option will provide eligible households with assistance to help meet summer energy costs and respond to heat related conditions. The following types of benefits may be provided:
 - 1) Direct Client Assistance (DCA) payments to home energy providers on behalf of income-eligible households (see Section 109.250) that contain an eligible member as defined by the Department;
 - 2) The purchase of an electric fan; and
 - 3) The purchase or repair of air conditioners or fans by a LAA for income-eligible households that have a medically necessitated need for cooling (in accordance with subsections (b) and (c)).
- b) To receive air conditioner repair or an air conditioner, a household must be determined income eligible in accordance with the process described in Section 109.250. Additionally, the household must contain at least one member experiencing a medical condition that can be ameliorated by cooling.
- c) The existence of the medical condition must be certified by a licensed medical practitioner. Medical persons from whom this certification can be accepted are limited to the following:
 - 1) Any physician licensed in accordance with the Medical Practice Act of 1987 [225 ILCS 60] or licensed in an adjoining state;
 - 2) Any registered nurse or practical nurse licensed under the Nursing and Advanced Practice Nursing Act [225 ILCS 65] that is employed by a visiting nurse association or county government or health department and who has attended the applicant or a member of his/her household;
 - 3) Public health officials who are medical persons (i.e., licensed physicians or licensed registered or licensed practical nurses acting as a representative of a physician) associated with the National Health Service, the Illinois Department of Public Health, a county health department, or a city or township health department;

- 4) Any physician's assistant certified under the Physician Assistant Practice Act of 1987 [225 ILCS 95] working with any attending licensed physician;
 - 5) Any licensed registered or practical nurse working with an attending licensed physician or physician assistant; or
 - 6) Any practitioner who provides treatment through prayer or spiritual means (e.g., Christian Scientist).
- d) LAAs will take cooling assistance applications for a period determined by the Department or until summer assistance funds are depleted. In determining the length of time the local agencies will be required to take applications, the Department will equally consider factors such as the amount of funding available, weather conditions and length of time remaining in existing grants. Intake sites are to be open for a minimum of two days per week until funds have been exhausted. Application data will be entered into the automated LIHEAP reporting and tracking system by the LAA. Applications are to be retained and filed by the LAA. All reports that are available for the "heating" options will be available for the summer program option.
- e) Verification, authorization, and client/vendor notification will occur within 30 days after a completed application. Payment must occur within 15 days after the notification.
- f) Summer Assistance Benefit payments to electric utilities on behalf of eligible households must be used to reduce the current bill of the household. The Department will notify the LAAs of which public utilities, as defined by Section 3-105 of the Public Utilities Act, have agreed to abide by this constraint. LAAs must determine which utilities that are not public utilities will comply. In cases where the home energy provider refuses, cooling assistance payments will be made directly to the households.
- g) On the date the Department notifies the LAAs that the summer option becomes operable, LAAs may take emergency service applications for clients whose electricity is not an integral part of their heating system (i.e., heat will be delivered without use of electricity).

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.250 Determination of Household Eligibility

- a) Household applications for assistance through program options contained in Sections 109.230 and 109.240 will be accepted by LAAs if there are sufficient funds allocated to the LAA to grant assistance through program options.
- b) Eligibility requirements for Section 109.220 are for a 30-day period based on an amount equal to 150% of the OMB Poverty Income Guidelines per most recent census data. To receive assistance:
 - 1) The customer of record must be a member of the household. A household member may apply on behalf of the customer of record.
 - 2) A household applying for emergency service must:
 - A) meet income guidelines as specified in subsection (b);
 - B) be disconnected from their primary and/or secondary heat source; and
 - C) have paid their primary and/or secondary heat source, within the past 90 days, a "good faith" payment. The good faith rule as defined in Section 109.30 may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.
- c) Application Requirements – A client application for assistance is complete when it contains:
 - 1) a copy of utility bills or landlord statement that energy payments are included in the rent;
 - 2) proof of income for any household member age 18 or older;
 - 3) for an applicant whose utility service has been disconnected and is applying for an emergency service payment, proof that the household has paid a "good faith" amount as defined in Section 109.30 toward its utility bills (e.g., a copy of the applicant's utility bills);
 - 4) head of household information;
 - 5) dwelling information;

- 6) household income information; and
 - 7) home energy information.
- d) Verification of Rental Expenses – Rental expenses may be verified by documentation in the form of: lease/rental agreements, current rent receipts, or verification letters from the applicant's landlord or authorized property manager.
- e) Notification Requirements – Households will receive written notification regarding eligibility determination within 30 days after the date the client application is complete. Additionally, home energy providers (e.g., utility companies) receiving a payment on behalf of an eligible household will be notified in writing of the household's eligibility within the same 30-day period.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

SUBPART C: WEATHERIZATION

Section 109.400 Allocation of Funds

- a) The Department shall allocate financial assistance for each county from sums tentatively transferred for any fiscal year from the Low Income Home Energy Assistance Block Grant, as described in the State's annual plan to HHS, and the State Supplemental Low-Income Energy Assistance Fund.
- b) The Department shall determine allocations for each county from available funds.
 - 1) At least 90% of the funds tentatively transferred shall be allocated to each county based on the "Index of Needs".
 - A) The Index of Needs is comprised of five factors:
 - i) Heating Degree Days;
 - ii) Fuel Cost Factor Per 100,000 BTUs;
 - iii) Persons in poverty per the most recent census data;
 - iv) Elderly in poverty per the most recent census data; and
 - v) Handicapped (or disabled) persons in poverty.
 - B) Each factor will be multiplied by an assigned weight. The formula for determining each of these factors and the weight to be assigned to these factors is as follows:
 - i) number of climatic heating degree days per county divided by total climatic heating degree days for State = heating degree days (5%);
 - ii) estimated fuel cost per 100,000 BTUs per county divided by total estimated fuel cost per 100,000 BTUs for State = fuel cost factor per 100,000 BTUs (5%);
 - iii) number of persons in poverty per county divided by total number of persons in poverty for State = persons in poverty (75%);

- iv) number of elderly persons in poverty per county divided by total number of elderly persons in poverty for State = elderly poverty (10%); and
 - v) number of disabled persons in poverty per county divided by total number of disabled persons in poverty for State = handicapped (or disabled) in poverty (5%).
- C) The sum of weighted factors will be multiplied by the total amount allocated to the counties to determine the county's allocation of funds.
- 2) The remaining funds, not to exceed 10%, shall be held by the State for meeting those program contingencies that cannot be reasonably anticipated (e.g., an unusually high need for furnace replacements in any given county) and to meet the local agencies' training and technical assistance needs.
- c) The Department shall increase or reduce the allocation for a county for any of the following reasons:
 - 1) Changes in federal fund availability.
 - 2) Changes in sums tentatively transferred for any fiscal year from the Low Income Home Energy Assistance Block Grant as described in the State's annual plan to HHS.
 - 3) The Department determines that the number of eligible applicants that are eligible under Section 109.450 differs from the local agency's allocation, which is determined pursuant to subsection (b), during the subgrant period for which financial assistance was awarded.
- d) The Department's Chief of the Office of Energy Assistance shall notify the designated local agencies of the county allocations for which that agency is eligible to apply. Where no agency has been designated, the county allocations will be included in a request for proposal that shall be publicly advertised within the area to be served.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.410 Minimum Program Requirements

- a) No dwelling unit may be weatherized without documentation that the household and the dwelling unit is eligible as provided in Section 109.450.
- b) Priority is to be assigned, in terms of scheduling weatherization work, as follows:
 - 1) to the elderly, the disabled, and families with small children (5 and under); and
 - 2) households with the lowest incomes and highest utility bills.
- c) The financial assistance provided under this Subpart will be used as follows:
 - 1) by increasing the funds available for IHWAP, which will provide additional weatherization assistance identical to that provided by the DOE and the HHS, and shall be promulgated annually by the Department no later than the beginning of the IHWAP Program year, as specified in 10 CFR 440.18(c) (1995); and
 - 2) by expanding the State's currently allowable weatherization measures and including heating system tune up, repair, and retrofit measures to increase the efficiency of the furnace or replacement of the furnace.
- d) Whenever other federal, State, local or privately funded programs are available in the county to provide weatherization assistance activities specified in Section 109.420, the local administering agency shall seek to coordinate those activities with those funded by HHS. Such coordination will seek to avoid duplication of services and encourage joint funding of weatherization projects.
- e) No dwelling unit may be reported to the Department as complete until a local administering agency has performed a final inspection certifying that work has been completed in an acceptable manner and in accordance with the work order issued as a result of the agency's audit/assessment. The work has been completed in an acceptable manner if there is no air infiltration or general heat waste; the attic, sidewalls, or crawl spaces have been insulated and/or ventilated; or storm windows and doors have been installed. The local administering agency is subject to suspension and/or termination of funds if it reports a dwelling unit as completed without performing a final inspection.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.420 Allowable Costs

- a) The LAA may use a percentage to be determined by the Department of the total funds allocated for local agency administration. The amount will be established annually after consultation with the Policy Advisory Council [see 305 ILCS 20/5] and will be based on factors including, but not limited to, available funding and program requirements. The Department will apply an equal weight to each of the major items considered in setting the percentage.
- b) The LAA may use allocated program funds to provide for liability insurance (to cover project-related personal injury and property damage) and to provide for training and technical assistance.
- c) The LAA is to use the remaining funds to provide the materials, labor, and program support necessary to operate those services specified under the IHWAP.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.430 Cost Restrictions

- a) The following cost restrictions apply to funds allocated to the county for IHWAP, which are based on such factors as the number of basic component activities conducted in the previous year.
 - 1) Of those funds provided for weatherization materials, labor and related program support specified in 10 CFR 440.18(c) (1995), an amount not to exceed 25% of applied labor and materials will be allowed for program support.
 - 2) Of those funds available to provide weatherization materials, labor, and related program support specified in 10 CFR 440.18(c), no more than \$2500 (U.S. Department of Energy), \$5000 (U.S. Department of Health and Human Services) and \$7500 (State) may be spent on any one dwelling unit.
 - 3) Expenditures for IHWAP may include:
 - A) the cost of purchase and delivery of weatherization materials;
 - B) labor costs to supplement wages paid to training participants and to employ labor or to engage contractors to install weatherization materials;
 - C) transportation of weatherization materials, tools, equipment and work crews to a storage site and to the site of weatherization work;
 - D) maintenance, operation, and insurance of vehicles used to transport materials and laborers;
 - E) maintenance of tools and equipment;
 - F) purchase or lease of tools, equipment and vehicles;
 - G) employment of on-site supervisory personnel;
 - H) storage of weatherization materials, tools and equipment;
 - I) the cost of incidental repairs if such repairs are necessary to make the installation of weatherization materials effective; and

- J) the cost of liability insurance for weatherization projects for personal injury and property damage.
- 4) No grant funds may be used for any of the following purposes:
 - A) to weatherize a dwelling unit that is designated for acquisition or clearance by a federal, State or local program within 12 months from the date weatherization of the dwelling unit would be scheduled to be completed; and
 - B) to install or otherwise provide materials for a dwelling unit weatherized prior to October 1, 1993 with grant funds under this or other federal weatherization programs administered by HHS or DOE, unless the dwelling unit has been damaged by fire, flood or act of God and repair of the damage to weatherization materials is not paid for by insurance.
- b) The following cost restrictions apply to IHWAP heating system work. Cost restrictions for the various types of service to be offered (tune-up, repair, retrofit, replacement) shall be promulgated annually by the Department no later than July of each program year.
 - 1) Expenditures for heating system work may include the following:
 - A) the costs to purchase and deliver weatherization materials for heating systems, including automatic or mechanical furnace ignition devices; flue vent devices; materials for heating and cooling system tune-ups, repairs and retrofit modifications that will result in improved energy efficiency; heat exchangers; waste heat recovery devices; replacement burners, furnaces, or boilers or any combination; replacement space heaters where the space heaters were permanently installed, including wood/coal burning stoves; products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan-systems, piping, ductwork, etc.); decentralized domestic water heaters; and
 - B) the costs of material handling, such as storage, transporting, purchasing, inventory and other related costs.
 - 2) Labor and related program support costs include:
 - A) the costs to install supplemental weatherization materials by a Heating, Air Conditioning and Refrigeration contractor who has

been licensed by a municipality if the municipality licenses contractors in accordance with Section 11-32-1 of the Illinois Municipal Code [65 ILCS 5/11-32-1].

- B) the costs of related program support, such as assessment/audits, final inspections, equipment, small tools and other local agency costs associated with providing weatherization assistance to eligible persons/dwelling units.
- 3) The costs of local agency liability insurance for weatherization projects for personal injury and property damage.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.440 Standards and Techniques for Weatherization

- a) Only those materials that meet or exceed the standards prescribed by the Department in accordance with 10 CFR 440. Appendix A (2001) shall be purchased with funds provided under this Part. Further, where it is in the best interest of the State, the Department shall enter into cooperative purchasing agreements in which local agencies will be required to purchase products from a specified vendor in order to take advantage of a negotiated agreement on bulk purchase pricing. The Department will determine that a cooperative purchasing agreement is in the best interest of the State when equipment or materials, such as technical or specialty items, can be obtained at a lower cost.
- b) The most cost-effective measures for each dwelling unit shall be determined by utilizing Department audit procedures that take into account the cost of fuel saved, the lifetime of the materials installed, the costs of the materials, and the cost of installing the materials in accordance with the Department of Energy guidelines outlined in 10 CFR 440.21, February 1, 2002, with no later amendments or editions. The priorities on weatherization materials to be installed shall result from the application of these audit procedures. Department audit procedures will indicate when heating units are to be tuned and/or repaired, retrofitted or replaced.
- c) The IHWAP will not allow local agencies to switch a dwelling unit's fuel source unless they have received a written determination from the Department that the conversion would be more cost beneficial, as determined in accordance with subsection (b).

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.450 Eligible Dwelling Units

A dwelling unit shall be eligible for IHWAP services if:

- a) it meets the definition of separate, independent living quarters (see Section 109.30);
- b) it is occupied by household members:
 - 1) whose total income is at or below 150% of the Poverty Income Guidelines per most recent census data (67 FR 6931-6933, February 14, 2002, with no later amendments or editions);
 - 2) who have received cash assistance payments under Title IV or XVI of the Social Security Act or under Temporary Assistance for Needy Families (89 Ill. Adm. Code 112) or Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113) during the 12 month period preceding the determination of eligibility for weatherization assistance; or
 - 3) who are eligible for assistance, in accordance with Section 109.250, under LIHEAP (as established by the Act);
- c) it is a building containing rental units eligible for weatherization assistance under subsection (b) where:
 - 1) the local agency has obtained the written permission of the owner or his agent;
 - 2) at least 50% of the dwelling units in the building are eligible dwelling units or will become eligible dwelling units within 180 days under a federal, State or local government program for rehabilitating the building or making similar improvements to the building, such as programs authorized by 42 USC 1437f, or 1474;
 - 3) the local agency has insured that rents will not be raised because of the increased value of dwelling units due solely to weatherization assistance provided; and
 - 4) no undue or excessive enhancement shall occur to the value of the dwelling units, e.g., the weatherization will be more cost beneficial to the landlord than to the tenant.

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.APPENDIX A LIHEAP Payment Matrix

DIRECT VENDOR/CASH PAYMENTS
NORTHERN

2003 PAYMENT MATRIX – NORTH #1		0% - 40% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$364	\$422	\$438	\$473	\$483	\$ 500
	Secondary	\$103	\$161	\$184	\$206	\$223	\$ 240
	TOTAL	\$467	\$583	\$626	\$679	\$706	\$ 740
All Electric	TOTAL	\$293	\$418	\$460	\$505	\$537	\$ 573
Propane	Primary	\$326	\$512	\$536	\$572	\$599	\$ 628
	Secondary	\$146	\$240	\$288	\$332	\$359	\$ 395
	TOTAL	\$472	\$752	\$824	\$904	\$958	\$1,023
Fuel Oil	Primary	\$300	\$416	\$431	\$434	\$463	\$ 478
	Secondary	\$146	\$240	\$288	\$332	\$359	\$ 395
	TOTAL	\$446	\$656	\$719	\$766	\$822	\$ 873
	CASH	\$130	\$130	\$140	\$150	\$160	\$ 170

2003 PAYMENT MATRIX – NORTH #2		41% - 80% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$302	\$350	\$364	\$392	\$401	\$415
	Secondary	\$ 85	\$133	\$153	\$171	\$185	\$199
	TOTAL	\$387	\$483	\$517	\$563	\$586	\$614
All Electric	TOTAL	\$244	\$347	\$382	\$419	\$446	\$475
Propane	Primary	\$271	\$425	\$445	\$475	\$498	\$521
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$392	\$624	\$684	\$750	\$796	\$849
Fuel Oil	Primary	\$249	\$345	\$358	\$361	\$384	\$397
	Secondary	\$121	\$199	\$239	\$275	\$298	\$328
	TOTAL	\$370	\$544	\$597	\$636	\$682	\$725
	CASH	\$108	\$108	\$116	\$125	\$133	\$141

2003 PAYMENT MATRIX – NORTH #3		81% - 125% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$240	\$278	\$289	\$312	\$319	\$330
	Secondary	\$ 68	\$106	\$122	\$136	\$147	\$158
	TOTAL	\$308	\$384	\$411	\$448	\$466	\$488
All Electric	TOTAL	\$194	\$276	\$304	\$333	\$354	\$378
Propane	Primary	\$215	\$338	\$354	\$378	\$396	\$414
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$311	\$496	\$544	\$597	\$633	\$675
Fuel Oil	Primary	\$198	\$274	\$284	\$287	\$305	\$316
	Secondary	\$ 96	\$158	\$190	\$219	\$237	\$261
	TOTAL	\$294	\$432	\$474	\$506	\$542	\$577
	CASH	\$ 86	\$ 86	\$ 92	\$ 99	\$106	\$112

2003 PAYMENT MATRIX – NORTH #4		126% - 150% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$182	\$211	\$219	\$236	\$242	\$250
	Secondary	\$ 51	\$ 80	\$ 92	\$103	\$112	\$120
	TOTAL	\$233	\$291	\$311	\$339	\$354	\$370
All Electric	TOTAL	\$147	\$209	\$230	\$252	\$269	\$287
Propane	Primary	\$163	\$256	\$268	\$286	\$300	\$314
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$236	\$376	\$412	\$452	\$479	\$512
Fuel Oil	Primary	\$150	\$208	\$215	\$217	\$231	\$239
	Secondary	\$ 73	\$120	\$144	\$166	\$179	\$198
	TOTAL	\$223	\$328	\$359	\$383	\$410	\$437
	CASH	\$ 75	\$ 75	\$ 75	\$ 75	\$ 80	\$ 85

DIRECT VENDOR/CASH PAYMENTS
SOUTHERN

2003 PAYMENT MATRIX – SOUTH #1		0% - 40% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$380	\$442	\$461	\$497	\$509	\$528
	Secondary	\$ 89	\$139	\$160	\$179	\$194	\$208
	TOTAL	\$469	\$581	\$621	\$676	\$703	\$736
All Electric	TOTAL	\$246	\$354	\$392	\$433	\$460	\$493
Propane	Primary	\$233	\$374	\$384	\$393	\$403	\$425
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$361	\$584	\$638	\$685	\$719	\$773
Fuel Oil	Primary	\$253	\$351	\$364	\$377	\$390	\$404
	Secondary	\$128	\$210	\$254	\$292	\$316	\$348
	TOTAL	\$381	\$561	\$618	\$669	\$706	\$752
	CASH	\$105	\$110	\$115	\$125	\$135	\$140

2003 PAYMENT MATRIX – SOUTH #2		41% - 80% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$316	\$367	\$383	\$412	\$422	\$438
	Secondary	\$ 74	\$115	\$132	\$148	\$161	\$172
	TOTAL	\$390	\$482	\$515	\$560	\$583	\$610
All Electric	TOTAL	\$204	\$294	\$326	\$360	\$382	\$409
Propane	Primary	\$194	\$311	\$319	\$326	\$334	\$353
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$300	\$485	\$530	\$589	\$596	\$642
Fuel Oil	Primary	\$210	\$291	\$302	\$313	\$324	\$335
	Secondary	\$106	\$174	\$211	\$243	\$262	\$289
	TOTAL	\$316	\$465	\$513	\$556	\$586	\$624
	CASH	\$ 87	\$ 91	\$ 95	\$104	\$112	\$116

2003 PAYMENT MATRIX – SOUTH #3		81% - 125% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$251	\$291	\$305	\$328	\$336	\$348
	Secondary	\$ 59	\$ 91	\$105	\$118	\$128	\$137
	TOTAL	\$310	\$382	\$410	\$446	\$464	\$485
All Electric	TOTAL	\$162	\$234	\$259	\$286	\$304	\$325
Propane	Primary	\$154	\$247	\$253	\$259	\$266	\$280
	Secondary	\$ 84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$238	\$386	\$421	\$452	\$475	\$510
Fuel Oil	Primary	\$167	\$232	\$240	\$249	\$257	\$267
	Secondary	\$ 84	\$139	\$168	\$193	\$209	\$230
	TOTAL	\$251	\$371	\$408	\$442	\$466	\$497
	CASH	\$ 75	\$ 75	\$ 76	\$ 83	\$ 89	\$ 92

2003 PAYMENT MATRIX – SOUTH #4		126% - 150% Poverty Level					
		HOUSEHOLD SIZE					
FUEL TYPE	DVP	1	2	3	4	5	6 OR MORE
Natural Gas/ Other	Primary	\$190	\$221	\$231	\$248	\$254	\$264
	Secondary	\$ 44	\$ 69	\$ 80	\$ 89	\$ 97	\$104
	TOTAL	\$234	\$290	\$311	\$337	\$351	\$368
All Electric	TOTAL	\$123	\$177	\$196	\$217	\$230	\$246
Propane	Primary	\$117	\$187	\$192	\$197	\$201	\$212
	Secondary	\$ 64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$181	\$292	\$319	\$343	\$359	\$386
Fuel Oil	Primary	\$127	\$176	\$182	\$188	\$195	\$202
	Secondary	\$ 64	\$105	\$127	\$146	\$158	\$174
	TOTAL	\$191	\$281	\$309	\$334	\$353	\$376
	CASH	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75	\$ 75

(Source: Amended at 27 Ill. Reg. 2123, effective January 24, 2003)

Section 109.APPENDIX B Medical Certification

Please fill out this statement and return to the following address:

I certify that _____ suffers from a serious health condition which can be ameliorated by cooling facilities. Illness or medical condition:

Asthma ☐

Respiratory Allergies (requiring filtered air) ☐

Severe obstructive lung disease ☐

Severely debilitating stroke ☐

Any medical condition of a non-ambulatory patient ☐

Other – please specify: _____

Signature: _____

Name and Title/Degree: _____

Practice or Organization Name: _____

Registration No. _____

I hereby authorize this agency to verify that information provided by me and to contact my physician or other public health official for the purpose of securing medical certification as described above.

Name of Applicant

Signature of Applicant

Date

Social Security Number of Applicant

(Source: Added at 12 Ill. Reg. 14639, effective September 6, 1988)

Section 109.APPENDIX C

Assistance Level Chart Map



(Source: Amended at 16 Ill. Reg. 3940, effective February 2, 1992)